SEVERALL

PAPERS

OF THE

TREATIE

BETWEEN

His Excellencie IAMES Marques of ORMOND, Lord Lieutenant Generall of IRELAND for the KING, on the one part;

AND

Sir *Thomas Wharton*, Sir *Robert King*, Sir *John Clotworthy*, Sir *Robert Meredith*, Knights, and *Richard Salwey* Esquire, Commissioners authorized by the Two Houses of PARLIAMENT of ENGLAND; on the other part.

With the Commissioners Instructions concerning the Lord of *Ormond*; the Instructions concerning the Protestants of *Ireland*, & Compositions of Delinquents: His Excellencies Propositions, and the Commissioners their Answer; and the Lord Lieutenants Reply. With their Reply to all his Exceptions. And the Kings Maj. Directions.

DVBLIN:
Printed by *William Bladen*, Printer to the Kings most Excellent Majesty, *Anno Dom.* 1646.

Coll.

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Sir Thomas Wharton, Sir Robert King, [illegible] Sir Robert Meredith, [illegible] and Robert [illegible] Commissioners [illegible] PARLIAMENT of ENGLAND, on the other part.

With the Commissioners Instructions

[illegible] the Lord of Ormond; the [illegible] the Protestant of Ireland, & Compositions of Dissentiers: His Excellencies Propositions, and the Commissioners their Answer; and the Lord Lieutenants Reply. With their Reply to all his Exceptions. And the Kings Maj. Directions.

DUBLIN:
Printed by William Bladen, Printer to the Kings most Excellent Majesty, Anno Dom. 1646.

May it please your Lordship,

WE are sent hither Commissioners from the Parliament of England, to communicate to your Lordship matters of high importance, concerning the preservation of the Protestants in the Kingdome of Ireland; to which end, we desire from your Lordship a safe conduct, for the coming and returning of our selves, and such as shall attend us, not exceeding the number of 30. persons, and for such things as appertain unto us, We remain.

Your Lordships most humble Servants,

Dated from the Bay of *Dublin*, the 13. of *Novemb.* 1646.

Tho. Wharton. *Rob. King.*
Jo. Clotworthy. *Reb. Meredith.*
Rich. Salwey.

For the most honourable the Marques of Ormond.

WHich safe conduct being sent unto them, the said Commissioners landed the next day, & presented themselues to the Lord Lieutenant, and after an interview returned to their lodging, and soon after, came to his Lordship, and delivered him a copy of their Commission, and the next day being the 15. of *Novemb.* 1646. they delivered to his Lordship, Copies of the Ordinance of Parliament in their Commissions mentioned, and of the Order which did lead thereunto, and of such Instructions as they had concerning his Lordship. The tenor of all which, and of the subsequent passages upon the Treaty, doe appeare in the Papers following.

At the Committee of Lords and Commons, at Darby houſe.

BY Vertue of an Ordinance of Parl. of the 15. of this inſtant October, authorizing us, We do conſtitute and appoint you, Sir T. Wharton, Sir Rob. King, Sir John Clatworthy, and Sir Robert Meredith, Knights, and Rich. Salwey Eſq; *Commiſſioners to treat with the Lord of Ormond, for and concerning the delivery of the Sword, the City of Dublin, and all other Garriſons and Holds in his power. And you or any three of you have hereby power to treat with the ſaid L. of Ormond, concerning the premiſes, and to agree & conclude with him concerning the ſame, acoording to ſuch Inſtructions as are delivered unto you. Given this 23 of October.* 1646.

Northumberland. E. Mancheſter. P. Liſle.
P. Wharton. W. Peirrepoint. Denzel Hollis.
P. Stapleton. W. Lewis. J. Temple. Ro. Goodwyn.

Copia vera Ex.
W. Rowe, Secr.

Die Lunæ, 12. October, 1646.

IT is this day Ordered by the Commons aſſembled in Parliament, That it be referred to the Members of both Houſes, that are of the Committee of both Kingdomes, to conſider of theſe Letters, and to receive the Addreſſes of the Commiſſioners from *Ireland*, and their Propoſitions, and to view and conſider of their Inſtructions, and the Members of this Houſe that are of the Committee of both Kingdomes, or any four of them, have power to meet this Afternoon at two of the clock in Darby-houſe for the purpoſes aforeſaid, and haue power to report tomorrow, if they ſhall ſee occaſion; And the Lord Lieutenant of *Ireland*, Mr. *Hollis*, Sir *John Clotworthy*, and Sir *Iohn Temple*, have power, and are deſired to be preſent at the meeting of this Committee.

Mr. Na. Fines, Sir W. Lewis, and Mr. Rob. Goodwyn are added to this Committee.

Hen. Elſynge, Cler. Parl. D. Com.

Die

Die Jovis 15. Octobris, 1646.

THE Lords and Commons assembled in Parliament, do declare, that they resolve to proceed upon the second way of Overture, made by the Earl of *Ormond*, and will appoint some way of treating with him for his Retirement, and will imploy such as they shall think fit in the Trust of that Kingdome.

John Brown Cler. Parliament.

Vera Copia, Ex.
W. Rowe, Secr.

Die Jovis 15. Octobris, 1646.

ORdered by the Lords and Commons in Parliament assembled, That the whole Affaire concerning *Ireland*, in respect of the secresie and expedition thereunto necessary, be referred back to the former Committee, And the Committee hath power to give Instructions to such as they shall imploy for the pursuance and transaction of that Affaire, and to Order the Forces that shall go thither, and to dispose of the Ammunition, and other Provisions for the Service of *Ireland*, as they shall judge best for the Publique Service, and are to meet this Afternoon, and so from time to time as they shall see cause.

John Brown Cler. Parliament.

Vera Copia, Ex.
W. Rowe, Secr.

Instructions for Sir Tho. Wharton, Sir Rob. King, Sir John Clotworthy, Sir Rob. Meredith, Knights, *and Rich. Salwey*, Esq; *concerning the Lord of* Ormond.

YOu are to declare to the L. of *Ormond*, the E. of *Roscommon*, and the rest of those that signed the Instructions to Sir *Gerrard Lowther*, Sir *Francis Willoughby*, and Sir *Paul Davies*, That the Parliament will take into their Care and Protection the Protestants of *Ireland*. If the L. of *Ormond* do within foure dayes deliver up the Sword, render all the Garrisons, and other Commands to the pleasure of the Parliament, Then you, or any three of you, are to give these ensuing Conditions.

1. That

1. That the L. of *Ormond* shall enjoy his estate without molestation or disturbance from the Parl. And shall have indempnity against all debts contracted by reason of any Goods, Money, Debts, or Victuals taken up by vertue of any Warrants signed by him and the Councel, from any person, for the maintenance and support of the Armies, or any of the Garrisons, now under his Command.

2. That he shall be protected in his Person and Goods for the space of 12 moneths against all Suits, Arrests, Molestation, or Disturbance from any person whatsoever, for any Debts owing by him to any person whatsoever before the Rebellion there.

3 That the L. of *Ormond*, and all such Noblemen, Gentlemen, and Officers, as shall be desirous to go with him, or by themselves, into any other place out of that Kingdom, shall have free Passes for themselves, their Families, Goods, & travelling Arms, and a competent number of servants sutable to their respective Qualities.

4. That the L. of *Ormond* shall have 5000. l. paid him in *England* or *Ireland*, in such manner as shall seeme best to the Commissioners now sent: And shall have also 2000. l. *per annum* for 5 yeares. And if the Warre shall longer continue in such manner, as he cannot receive 2000. l. *per annum*, out of his owne Estate, That then he shall have the said Pension of 2000. l. *per annum* still continued, untill he can receive so much out of his own estate.

5. That the L. of *Ormond* shall have liberty to come and live here in *England*, with the like liberty that others have, he submitting to all Ordinances of Parliament. And for the time of 12 moneths shall not be pressed to any Oaths, he ingaging his honour to do nothing in the mean time, that shall be disservice to the Parliament.

Darby-house 17 Octob. 1646.

A. Northumberland. E. Manchester. P. Lisle. P. Wharton. W. Pierrepoint. Denzel Hollis, W. Waller. W. Armyn. Ph. Stapleton. Iohn Temple. W. Lewis. Ro. Wallop.

Vera Copia Ex. W. Rowe, Secr.

Nov.

Novemb. 15. 1646.

WE find in the Instructions delivered in by you unto us, That you are to declare unto us, and the rest that signed the Instructions to Sir *Gerard Lowther*, &c. That the Parl. will take into their Care and Protection the Protestants of *Ireland*. We desire to know, whether by these words, *viz.* [That the Parl. will take into their Care and Protection the Protestants of *Ireland*] All the Protestants of *Ireland* are to enjoy their Laws, Liberties, Estates, and Imployments, without molestation or disturbance from the Parliament of *England*.

ORMOND.

Novem. 15. 1646.

WEE find by the Instructions delivered in by you unto us, these words, *viz.* If the Lord of *Ormond* doe within 4 dayes deliver up the Sword, render all the Garrisons and other Commands to the pleasure of the Parliament, then &c. Wee desire to know when the said foure dayes shall be understood to begin, and to what Person or Persons, and to whose use the said Sword, Garrisons and other Commands, are desired to be delivered up, or rendred.

ORMOND.

Novem. 15. 1646.

TO your Lordships first Paper of the 15. of *Novem.* we return this Answer; That we are required by the Paper of Instructions delivered to your Lordship, to declare to your Lordship, the E. of *Roscommon*, and the rest that signed the Instructions to Sir *Gerard Lowther*, &c. That the Parliament will take into their Care and Protection the Protestants of *Ireland*: But desire to be excused from giving a particular explanation of those words in that Paper, being not directed so to do, yet conceive there ought to be no doubt of a fair interpretation thereof.

Rob. Meredith. *Tho. Wharton.* *Rob. King.*
John Clotworthy. *Ri. Salwey.*

Novem. 15. 1646.

ALthough we question not a fair interpretation, yet in matters so highly importing the safety and subsistence of the Pro-

ſtants of this Kingdome, we may not leave them to the uncertainty of future interpretation: and therefore we cannot reſt ſatisfied without clearer aſſurance in their behalf, then we finde either in the Inſtruction delivered unto us by you this day (whereof we deſire an Explanation) or the Anſwer given yb you to our firſt Paper.

ORMOND.

15. *Novem.* 1646.

TO your Lordſhips ſecond Paper of the 15 of *November*, we return this Anſwer: That the four dayes appointed for the Treaty with your Lordſhip (within which time we are to bring our Debates to a concluſion) we underſtand did begin this 15. of *Novemb.* 1646. at 9 in the morning, And we who are appointed Commiſſioners by Authority from the Parl. of *England*, are to receive from your Lordſhip (if the Treaty ſucceed) the Sword, and Garriſons under your Command, for the uſe of the Parliament of *England*, in order to the preſervation of the Proteſtants in the Kingdom of *Ireland*.

Rob. Meredith. *Tho. Wharton.* *Rob King.*
John Clotworthy. *Rich. Salwey.*

15. *Novem.* 1646.

WE deſire to know, whether your Lordſhip reſts ſatisfied in all the particulars of the Paper of Inſtructions delivered to you by us this day, ſaving that which concernes the Proteſtants, as is expreſſed in your Lordſhips third Paper.

Rob. Meredith. *T. Wharton.* *Rob. King.*
Iohn Clotworthy. *Rich. Salwey*

November 15. 1646.

WE hold it not fit to declare our ſenſe concerning the particulars of the paper of Inſtructions, delivered by you to us, which concern our ſelf, untill aſſurance be firſt given for the ſafety and ſubſiſtence of the Proteſtants of this Kingdome, which we deſire may be haſtened for the bringing of this Treaty to a ſpeedy and good concluſion. ORMOND.

November 15. 1646.

FOraſmuch as your Lordſhip in your third paper of the fifteenth of this inſtant doth expreſſe; That you cannot reſt ſatisfied without clearer aſſurance on the behalfe of the Proteſtants

ſtants of Ireland then you find either in the inſtructions deli-vered to you by us this day, or in our anſwers to your Lord-ſhip touching the explanation thereof, as was in your firſt pa-per deſired. And whereas your Lordſhip in your fourth, in anſwer to our third, hath ſignified, that you hold it not fit to declare your ſenſe concerning the particulars of the paper of Inſtructions, which concern your ſelfe, untill aſſurance be firſt given for the ſafety and ſubſiſtance of the Proteſtants of the kingdom of Ireland; to the end nothing may be wanting on our parts, to bring this Treaty to a ſpeedy & happy concluſion, we hold it fit to declare, That by an additional Inſtruction (which we might not ſooner impart) we are enabled to give to ſuch Proteſtants (not having been in the Iriſh rebellion) as we con-dition withall, aſſurance of ſecurity to their perſons, and to their eſtates and goods, that they have in Ireland, and that they may live quietly and ſecurely under the protection of the Par-liament, and their Forces, either within England, Ireland, or Wales, and that they ſhall enjoy thoſe their eſtates and goods, without any moleſtation or queſtion from the Parliament, as any others doe, who have not offended the Parliament, they ſubmitting to all Ordinances of Parliament; and if any of them have any lands or eſtates in England, they are to com-pound for the ſame at the rate of two yeares profit, as they were before the beginning of theſe troubles, They ſubmitting to all ordinances of Parliament.

Rob. Meredith, Tho. Wharton. Rob. King.
Jo. Clotworthy. Ri. Salwey.

15. November. 1646.

BEfore we make anſwer to your fourth paper of the fifteenth of *November*, we hold it needfull to have an authentick co-py of the additionall Inſtruction therein mentioned, being for the ſecurity of the Proteſtant-Subjects of this Kingdome. And we deſire authentick copies of ſuch other additionall Inſtructi-ons as you have, in regard your commiſſion is limited by, and hath relation to your inſtructions. ORMOND

16. November. 1646.

TO your Lordſhips fifth paper of the fifteenth of *Novemb'r*, we return this anſwer, That to the end nothing may be

waiting on our parts, conducing to the security of the Protestants of Ireland, according to the Instructions given us by authority of Parliament; and that we may accordingly put a speedy conclusion to this Treaty, we doe for your Lordships more ample satisfaction (though we hold not our selves obliged thereunto) herewith freely deliver your Lordship an Authentick copy of the additionall Instructions. But we must desire to be excused from giving any further answer to the said paper, untill we receive your Loadships positive answer upon the papers already given in, hoping it will be believed, That as we have not hitherto, so we shall not for the future offer any thing, unto which we are not warranted by our Instructions.

Rob. Meredith. Tho. Wharton. Rob. King.
John Clotworthy. Ri. Salwey.

The Additionall Instruction concerning the Protestants of Ireland.

You, or any three of you, may give to such Protestants, (not having been in the Irish Rebellion) as you condition with, assurance of security to their persons, and to their estates and goods, that they have in Ireland; and that they may live quietly, and securely under the protection of the Parliament, and their Forces, either within England, Ireland, or Wales: And you may likewise assure them, that they shall enjoy those their estates and goods without any molestation, or question from the Parliament, as any others doe, who have not offended the Parliament: They submitting to all Ordinances of Parliament. And if any of them have any Lands or Estates in England: they are to compound for the same at the rate of two yeares profit, as they were before the beginning of these troubles, They submitting to all Ordinances of Parliament.

Derby House Octob.17. 1646.

Northumberlund. E. Manchester. P. Lisle. P. Wharton.
W. Pierpoint. Denzil Hollis. W. Waller. P. Stapleton.
W. Ammne. Wil. Lewis. I. Temple. R. Wallop.

Copia vera exam. W. Row. Secret.

Dublin

Dublin 16. November, 1646.

WHereas we have been informed, that the Armies of the Rebels lye neare this City, and may probably make some speedy attempt upon the same: we holding our duty for the preservation thereof, and of the Protestants therein, to declare, that if your Lordship apprehend such danger to be, and that any Supplies of Men and Ammunition which wee have brought with us, may prevent the same: we are ready to give all such assistance, as may be thought expedient, during the time the present Treaty continues with you Lordship, and are willing to give such Caution as may be expected from us, That no other use shall be made of the same, then is herein expressed, and shall expect the like from your Lordship. As also, that such Men and Ammunition as we shall bring a-shore for the purposes aforesaid, be (if the Treaty succeed not) returned us back again.

Rob. Meredith. Tho. Wharton. Rob. King,
Ja. Clotworthy. Ri. Salwey.

16. November, 1646.

UPon consideration had of your fourth Paper of the fifteenth of this moneth, and the first paper of the sixteenth of this moneth, and the Copy of the Additionall Instruction sent unto us therewith, before we can deliver any positive answer to your papers, we hold it necessary to be satisfied in the following particulars.

First, whereas you expresse in that paper of the fifteenth, as followeth, viz. we are enabled to give to such Protestants not having been in the Irish rebellion, as we condition withall, assurance of security to their persons, and their estates and goods, that they have in Ireland: we desire you to declare whether those words, viz. [such Protestants not having been in the Irish rebellion] you intend to exempt those Protestants, or any of them, who have had a hand in making the cessation, or the late peace, or who have done any thing by occasion, or in Pursuance thereof.

Secondly, whether by these words, viz. we are enabled to give such Protestants as we condition withall, assurance; you

intend that every particular Protestant shall come, and make his conditions with you; or whether all the Protestants of this Kingdome, are not to be included within the present treaty, and to partake of the agreement which shall be made.

Thirdly, whether by those words, Submitting to Ordinances of Parliament, it be intended that they shall submit to all, and every the Ordinances already made, and which hereafter shall be made by the Parliament of *England*.

Fourthly, we find nothing in the Commission, nor in any of the Instructions delivered by you to us for the continuance of the Judges and Ministers of the Civil List, and Officers of the Martiall List in their respective imployments, nor any answer given by you unto us in any of your papers unto that particular, and herein we desire to be satisfied, as a matter wherein their being and livelihood doth depend. *Ormond.*

16. *November.* 1646.

TO the first and second particular of your Lordships first paper of the 16. *November*, we answer, that we shall not exempt any Protestants of *Ireland*, though they have of late consented or submitted either to the cessation of Armes, or the peace concluded with the Irish rebels, so as they submit to the Parliament within twenty dayes after our sending to them.

To the third particular, your Lordship hath an authentick copie of the Instruction, wherein those words [submitting to all Ordinance of Parliament] are expressed, of which we have no explanation.

To the fourth particular, concerning the continuation or displacing of the Judges and Ministers of the Civill List in their imployments we are not instructed therein; but for the Officers of the Martiall List, we have power by our Instructions, and doe intend accordingly to imploy such of them as shall be found fit for the service.

Having thus endeavoured to give your Lordship all possible satisfaction, we do again desire your Lordships positive answer to our papers formerly given in, it being too manifest, how great mischief may befall the Protestants of this Kingdom, and the service with which we are entrusted, should not our Debates be brought to a speedy conclusion.

Rob. Meredith. T. Wharton, Rob. King, J. Clotworthy. Ri. Salwey.

16. *November.* 1646.

We are not satisfied with your answer to our first Paper, of the 16. of *Novemb.* to which we take these following exceptions for the present.

First, we desired by our said paper to know of you, whether you intended to exempt the Protestants, or any of them, who have had a hand in making the cessation, or late peace, &c. to which you make this answer,

That you wil not exempt any Protestants of Ireland, though they have of late consented, or submitted, either to the cessation of the peace concluded with the Irish rebels, so as they submit to the Parliament within twenty dayes after your sending unto them; within which words, no provision is made either for those who had a hand in the making thereof, or did upon the first making thereof submit thereunto. And besides, no provision is made for any, but such as you shall send unto, so that it will rest in your power, to whom you will send, and when; wherein there is no certainty.

Secondly, we desired by our said paper, to know of you, whether you intended that every particular Protestant shall come, and make his conditions with you, or whether all the Protestants of this kingdom are not to be included within the present Treaty, and to partake of the agreement to be made, to which no cleare answer is given.

And whereas you desire our positive answer to your papers formerly given, (it being, as you say, too manifest how great mischiefe may befall the Protestants of this kingdome, and the service with which you are intrusted, if your debates should should not be brought to a speedy conclusion. We desire you for the same reasons, to set down fully and clearly how far the propositions which we sent to the Parliament by our Commissioners, are assented unto; and upon view and consideration thereof, we shall speedily give our positive answer. *Ormond.*

17. *November.* 1646.

IN answer to your Lordships second paper of the 16. of *November*, and for clearing (so farre as possibly lyes in us) the Exceptions therein taken to our answer unto your Lordships first paper of the same date. We herewith deliver all the In-

structions

ſtructions which we have received, that do (as we conceive) in any kind whatſoever, relate thereunto; and if yet there ſhall remain with your Lordſhip any doubt concerning thoſe particulars, we ſhall repreſent the ſame (if the Treaty do ſucceed) to thoſe that imployed us, with the beſt advantage for the Proteſtants of this Kingdome. Further ſatisfaction then this, we ſuppoſe cannot be expected from us.

As to the other part of your Lordſhips paper, wherein you would have us ſet down fully and clearly, how far the propoſitions which you ſent to the Parliament by your Commiſſioners, are aſſented unto, we cannot anſwer your Lordſhips deſire therein, neither thoſe propoſitions, nor copies of them being delivered unto us.

We therefore earneſtly deſire your Lordſhip to accept of the conditions offered in our former papers, and to give us a ſpeedy reſolution therein.

Rob. Meredith. *The. Wharton.* *Rob. King.*
Io. Clotworthy. *Ri. Salwey.*

Inſtructions for Sir Thomas Wharton, Sir Robert King, Sir John Clotworthy, and Sir Rob. Meredith, Knights: and Richard Salwey Eſquire, imployed to the Lord of Ormond, and others at Dublin.

You may receive any Proteſtant who hath not been in the Iriſh rebellion, though he hath of late conſented, or ſubmitted, either to the ceſſation of Armes, or the peace concluded with the Iriſh rebels, ſo as they ſubmit to the Parliament within twenty dayes after your ſending for them.

You or any three of you, have power hereby to give protection to ſuch as will come under contribution, and to give them the beſt ſafeguard you can, by the aſſiſtance of the Forces ſerving under the Parliament.

You, or any three of you, may give to ſuch Proteſtants (not having been in the Iriſh rebellion) as you conclude on withall, aſſurance of ſecurity to their perſons, and to their eſtates and goods that they have in Ireland, and that they may live quietly and ſecurely under the protection of the Parliament, and their Forces, either within England, Ireland, or Wales; and you may likewiſe

aſſure

assure them, that they shall enjoy their Estates and Goods, without any molestation, or question from the Parliament, as any others doe, who have not offended the Parliament; they submitting to all Ordinances of Parliament; and if any of them have any Lands or Estates in England, they are to compound for the same at the rate of two years profit, as they were before the beginning of these troubles, they submitting to all Ordinances of Parliament.

Derby-house, Octob. 17. 1646.

Northumberland. Manchester. P. Lisle. P. Wharton.
W. Pierpoint. Denz. Hollis. W. Lewis W. Armine.
W. Waller. P. Stapleton. A. Temple. Ro. Wallop.

17. *November.* 1646.

IN your third paper of the 15. of November, are these words, *viz.* That for the Officers of the Martiall List, we have power by our Instructions, and do intend accordingly to imploy such of them as shall be found fit for the service. A Copy of which Instruction, we desire, that we may the better judge how farre the security and future subsistence of the said Officers is thereby provided for.

Ormond.

November 17. 1646.

IN answer to your Lordships first paper of the 17. of this Moneth, wee herein deliver a Copy of the Instructions therein desired.

Rob. Meredith. Tho. Wharton. Rob. King.
Jo. Clotworthy. R. Salwey.

You, or any three of you, are to imploy such of the Officers now under the Lord of Ormond, as you shall thinke fit; and where you displace any, you are to place other Officers, if they be necessary; or otherwise to see their Commands sufficiently discharged, untill the Lord Lieutenant of Ireland take further order.

Signed as the rest of the Instructions.

Copia vera exam. W. Rowe, Secr.

17. *Novemb.* 1646.

BY our second paper of the 16. of November, wee desired you for the bringing of the present debates to a speedy conclusion, to set down fully and clearly, how farre the propositions

positions, which we sent to the Parliament by our Commissioners, are assented unto; and we did by our said paper declare, that upon view and consideration thereof, we would speedily give our positive answer; to which by our first paper of the 17. of *November* you say, that you cannot answer our desire therein, neither those propositions nor copies of them being delivered unto you. We think fit to declare unto you, that our Commissioners delivered our Propositions and Instructions to the Committee of both Houses, and that they took Copies thereof, and that our Commissioners doe by their letters of the 16. of *October* 1646, certifie us by the command of the said Committee, that with the succours, there would also arriue here certain Commissioners to bee sent from the Parliament to treat with us, upon the particulars contained in the Propositions and Instructions sent to the Parliament from us, Copies of which Propositions and Instructions we are ready to send unto you, if that you shall desire the same. And we again desire you to declare fully and clearly how far you have power, and will assent to our said Propositions, or whether we shall give our positive answer to the papers already delivered by you, taking it for granted, that you have no further, or other Instructions, then what you have delivered us. *Ormond.*

17. *November*, 1646.

TO your Lordships second paper of the 17. of *November*, (wherein you again desire us to declare fully and clearly, how farre we have power, and will assent to the Propositions sent to the Parliament by your Commissioners) we can return no other answer then we have already done in our two first papers of the 16. and 17. of *Novemb.* in the later of which we declare, we have not those propositions nor copies of them, nor we think it expedient upon this occasion to receive the same from your Lordships, yet we desire the want of those Propositions may not be conceived the only reason of our forbearance, of giving further answer to your Lordships paper; but hold it our duty to insist upon your Lordships positive answer to the papers already given in.

Rob. Meredith. *Tho. Wharton.* *Rob. King.*
Jo. Clotworthy. *Ri. Salwey.*

17. *No-*

17. *November*, 1646.

If you ſhall poſitively declare, that you have no power or inſtructions to enlarge your ſelves beyond what is expreſſed in your former papers, we will then give a poſitive anſwer to thoſe papers.

Ormond.

17 *November*. 1646.

We cannot more largely or poſitively expreſſ the power and extent of our inſtructions, we have then alrea y done, but doe again in purſuance of our inſtructions, deſire your Lordſh p anſwer to the papers given in.

Rob. Meredith. *Tho. Wharton.* *Rob. King.*
Jo. Clotworthy. *Ri. Salwey.*

17. *November*, 1646.

We did not by our third paper of the 17. of *November*, deſire to know whether you conld more largely or poſitively expreſſ th power & intent of your inſtructions, then you had formerly doue: But we expreſſed, that if you would poſitively declare you had no power or inſtructions to enlarge your ſelves beyond what is expreſſ d in your former papers, wee would then give a poſitive anſwer to thoſe papers, which by your anſwer thereunto you have neither affirmed nor denied; And therefore we forbear to give a poſitive anſwer to your ſaid papers, till we be ſatisfied in that particular.

Ormond.

18. *November*. 1646.

Having taken into conſideration your Lordſhips laſt paper of the 17. of *Novemb.* we return you this anſwer, that wea hold not fit poſitively to declare, whether wee have any power or inſtruction to enlarge our ſelves beyond what is expreſſed in our former papers, nor doe we conceive it ought to be expected from us, for that (to omit other reaſons) wee have frequently declared, that we are (according to our inſtructions) to receive your Lordſhips poſitive anſwer upon the papers already given in, which we now again deſire from your Lordſhip.

Rob. Meredith. *Tho. Wharton.* *Rob. King.*
Io. Clotworthy. *Richd. Salwey.*

18 *November*. 1646.

In the Copy of ſome of the Inſtructions delivered by you unto us, it is thus expreſſed, That if the Lord of Ormond do within 4 dayes deliver up the ſword, render up all the Garriſons, and other Commands to the pleaſure of the Parliament, then you, or any three of you, are to give theſe enſuing Conditions, &c.

And in your ſecond paper of the 15. of *Novemb*, 1646. you expreſſe your ſelves amongſt other things, as followeth, *viz.* Wee, who are appointed Commiſſioners by authority from the Parl. of *England*, are to receive from your Lordſhip (if the treaty ſucceed) the Swotd, and Garriſons under your Command, for the uſe of the Parl. of *England*; To which, and your other papers, before we can make anſwer, we deſire to know whether you have his Majeſties Direction and Command unto us, for our ſo doing.

Ormond.

18. *November* 1646.

To your Lordſhips firſt paper of the 18. of this moneth, we anſwer that we have not his Maj. direction and command unto your Lordſhip, for delivering up the Sword, rendring up all the Garriſons and Commands to the pleaſure of the Parliament.

Rob. Meredith. *Tho Wharton.* *Rob. King.*
John Clotworthy. *Rich. Salwey.*

18. *Novemb.* 1646.

The papers delivered by you unto us, whereunto you deſire our poſitive anſwer, gave occaſion vnto us to take into conſideration, aſwell the Propoſitions and Inſtructions ſigned by us alone, and ſent by our Commiſſioners to be preſented to the Parliament of *England*, as alſo the Propoſitions and Inſtructions ſigned by us, and the Councell of this Kingdome, and other Propoſitions and Inſtructions ſigned by the ſaid Councell a-part, and ſent by our ſaid Commiſſioners to be in like ſort preſented: all which Propoſitions and Inſtructions they delivered to the Committee of both houſes, appointed to conſider thereof, who took Copies of the ſaid Propoſitions and Inſtructions, Copies of which Propoſitions ſigned by us alone, we think fit to inſert herein, *viz.*

Propoſitions of the Lord Lieutenant of *Ireland*, to be preſented, &c.

1 *THat the ſaid Lord Lieutenant will proſecute the Warre againſt the Iriſh Rebels, as vigorouſly as he ſhall be thereunto enabled by the Parl. of England, and that he will faithfully ſerve the Crown of England therein.*

2 *That whilſt he hath the Government of this Kingdom, and the Command of the Armies therein, none of the Supplies of Men, Money, Arms, Munition, Victuals, or any other proviſions of what kind or nature ſoever, which ſhall by the PARLIAMENT of ENGLAND be ſent over, or joyned with the Forces already under his Command, nor any other Forces that ſhall be under his Command, ſhall in any wiſe be imployed either within this Kingdome, or out of it, but by the expreſſe direction of the ſaid Parliament of England.*

3 *That he will not upon any Command, or by vertue of any power or authority whatſoever, enter into any Treaty with the ſaid Iriſh Rebels, or conclude*

any

any Peace or Cessation with them without the consent and expresse Command of the King and Parliament of England.

4 *He will ingage himself to the true performance of all these things by Oath, or by any other meanes that can be proposed to a man of Honour and Conscience.*

26 Septemb. 1646. Ormond.

Now forasmuch, as we do not find by our papers, that any one of the said Propositions, which haue been transmitted from hence, is assented unto by the Parl. of *England*, though we have pressed you by severall papers, to know how farre they were assented unto; And for that it appeareth unto us by those papers, that no Copies of the said Propositions or Instructions were delivered unto you and that when we upon that signification did offer unto you copies of both, you did not think it expedient upon this occasion to receive the same from us, And for that by the papers and copies of Instructions delivered by you unto us, We find no security offered to any of the Protestants, but to such as you shall condition withall, and who shall submit to all Ordinances of Parliament, whereas we expected that all should bee included and provided for, in and by the present Treaty, and what those conditions or Ordinances of Parliament are, you doe not ascertaine by any of your papers: And for that it doth not appear unto us by any the Instructions, whereof you have delivered copies unto us, that you have power to secure any other of his Majesties Subjects, who have constantly adhered to the Government here since the 22 of *October*, 1641. in their persons and estates. And for that the Officers of his Majesties Army here, and the Judges and Ministers of the Civil List, have no assurance given them for their continuance in their respective imployments, your expression as unto them being as followeth, *viz.* Concerning the continuation and displacing of the Judges and Ministers of the civill List in their imployments, we are not instructed therein; but for the Officers of the Martiall List, we have power by our Instructions, and do intend accordingly to imploy such of them, as shall be found fit for the service, which giveth no assurance unto any one of the Martiall List, and leaveth the Civill List without any security, & taketh no notice of the poore distressed Clergy of the Kingdom. In all which particulars (being contained in our Propositions and Instructions) we did hopr that the Parl. of *England* would have giuen us satisfaction, which being not yet done for any thing made known by you to us, and for that you have by your paper of the 18. of *Novemb.* 1646. declared unto us, that you have not his Maj. direction and command unto us, for delivering up the Sword, rendring up all the Garrisons and Commands to the pleasure of the Parliament, which you by your second paper of the 15. of *Novemb.* 1646. desire to be rendred unto you, to the use of the Parliament; without any relation

in your ſaid paper to the King, we hold it not conſiſtent with our Duty to his Majeſty, to part with ſo great a Truſt committed to our charge, in manner as by your papers is deſired, without his Maj. expreſſe and poſitive Directions, and therefore may not aſſent thereunto.

Ormond.

18. *Novemb.* 1646.

Whereas we did, together with our firſt paper of the 16. of *Novemb.* deliver in to your Lordſhip an authentique copy of the additionall inſtruction concerning the Proteſtants of *Ireland*, unto which your Lordſhip hath taken ſeverall exceptions; we think good for your ſatisfaction therein, now to declare, that we intend that all Proteſtants whatſoever of the Kingdome of *Ireland* (not having been in the Iriſh Rebellion) ſhall be included in this treaty, and receive the full benefit expreſſn the ſaid inſtruction: And that the conditions implyed in that inſtruction to be impoſed on them, ſhall be underſtood, as followeth, *viz.* Whereas it is ſaid, they ſhall enjoy thoſe their Eſtates and Goods without any moleſtation or queſtion from the Parl. as any others do, who have not offended the Parl. they ſubmitting to all Ordinances of Parl. By all Ordinances of Parl. we only intend ſuch Ordinances (whether already made, or to be made) as all others do ſubmit unto, who never offended the Parliament; And whereas liberty is given to compound for ſuch eſtates, as any of them ſhall have in *England*, they ſubmitting to all Ordinances of Parl. By all Ordinances of Parl. wee intend, only ſuch as all perſons now compounding in *England* do ſubmit unto, provided that all thoſe that are thus admitted to their compoſition do effectually proſecute the ſame within 6 moneths after the publication of this Articles.

And whereas in the fourth Article of the firſt paper delivered in to your Lordſhip, offer is made of 5000. l. in money, and 2000. l. *per annum*, to bee paid your Lordſhip in manner, as is expreſſed in the ſaid Article, we now hold it fit to declare, that if it ſhall be more to your Lordſhips ſatisfaction and content, we have power given us, and ſhall accordingly grant, what you deſired in the 6. Article of your Lordſhips additionall inſtructions ſent to the Par. according as is in the paper herewith delivered in, expreſſed.

And we laſtly hold it fit to make known unto your Lordſhip, that power is alſo given to us, to agree for allowances to be paid to other perſons, by conſtant penſion during the Warre of *Ireland*, not exceeding the ſumme of 2000. l. *per Annum*, which penſions are to continue, till they can receive the like benefit by their own eſtates.

We do now particularly declare to your Lordſhip (and ſooner according to our inſtructions we could not) that wee have no power to enlage ourſelves beyond what we have expreſſed. And do therefore now again, intreat your Lordſhips poſitive anſwer upon the whole, which we muſt the rather

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desire may be expedited, for that we are (according to our instructions) to bring our debates to a conclusion within 4 dayes at the furthest, after the beginning of the treaty, which will end to morrow at 9 of the clock in the morning, and we have no authority to prolong the same.

Rob. Meredith. Tho. Wharton. Rob. King. John Clotworthy. Ric. Salwey.

A Copy of the Paper mentioned in the former.

Sixthly, in regard that my whole fortune is now in the possession, or within the power of the Rebels, so as I can make no manner of use of it; As also for that I have not only at my own charge, in some sort, maintained the honour and dignity of my place, since the 21. of *Ian.* 1643, which was the day whereon I was sworn his Maj. Lieutenant, but likewise contributed in a considerable portion to the maintenance of the Army & Garrisons now under my Command. And lastly, for that by meanes thereof, I am utterly unable to discharge the debts I have contracted for my own support, whilst I imployed my own to feed the Army, or to pay the wages due to the Servants, which I was necessitated to entertain, in respect of the place I held; For these reasons, I desire it may be humbly offered to the nobleness & honour of the Parl. That to free me from the clamor of Creditors, to pay my servants their wages, and to transport and maintain my self and my family, in some sort befitting the condition of a Gentleman; The Parl. will be pleased to disburse the sum of 13000. l. 877. l. 14. s. 9. d. be paid to such as I shall appoint upon Bills of Exchange, accepted by sufficient men in *France*, or *Holland*, to wit, the one half upon sight, and at 6 moneths the other halfe thereof, which is lesse then the just sum I have disbursed for the maintenance of the Garrisons of *Dublin*, *Dundalke*, *Newry*, *Narrow-Water*, *Green-Castle*, and *Carlingford*, not accompting my own expence, nor the many other smaller disbursments spent meerly for the good of the said Garrisons; And that I may be secured against any molestation, by reason of the engagements, I have at any time entred into, for the publique service since the beginning of this Rebellion.

19. Novemb. 1646.

Vpon consideration had of your 3. paper of the 18. of *Novem.* as also of your former papers, and the copies of such instructions, as you delivered unto us, we find no satisfaction given by you in these following particulars.

First, we do not find that you have power to secure any of his Maj. Roman Catholike Subjects in their persons and estates, who have constantly adhered to the Government here, since the 22. of *October*, 1641. of whom wee conceive care out to be had in the present treaty.

Secondly, you have declared unto us, that you have no instruction concerning

aing the continuation or displacing of the Judges, and Ministers of the Civill List in their imployment, and your instruction as unto the Martiall List (whereof you gave us a Copy) is as followeth, *viz.* You or any three of you are to imploy such of the Officers now under the L. of *Ormond*, as you shall think fit, and where you displace any, you are to place other Officers, if they be necessarie, or otherwise to see their Commands sufficiently discharged, untill the Lord Lieutenant of *Ireland* taketh further order; which may give more occasion of fear unto the Officers of being displaced, then hope of continuance in their respective imployments, and there is not as much as mention made of the poore distressed Clergie of the Kingdome in any the papers or instructions delivered to you by us.

Thirdly, the Protestants of the Kingdom, who are to be included in the present treatie, are, as you declare in the last paper delivered by you to us, to submit themselves to all Ordinances of Parl. whether already made, or to be made; Amongst which (as we are informed) are some which require the Covenant to be generally taken, and others which lay Mulcts upon those, who shall use the Book of Common-prayer, which forme of Service, and no other, is by a Law of force in this Kingdome, commanded upon a penaltie to be used; And in our instructions sent by our Commissioners, we desire that neither the one nor the other might be pressed untill settlement by Parliament.

And for us to agree upon this treatie to all future ordinances which shal be made by the Parliament, before it be known what those ordinances are, we conceive may be of dangerous consequence to the whole Kingdom, and not agreeable with the rules of prudence in us.

Fourthly, whereas by a speciall instruction signed by us apart, we did direct our said Commissioners, as followeth, *viz.* If you find the Parl. ready & willing forthwith effectually to take into their care and protection his Maj. Protestant Subjects within the quarters under my command, and those that have adhered to them from the 22. of *October*, 1641. according to the purport of the instructions signed by me and the Councell, and that my continuance in the Government, shal be the only let thereunto, you are then in such case to let them know, that I will surrender my place of Lieutenant and deliver all the Holds in my power to such as the Parliament shall appoint upon these conditions.

First, that they procure his Maj. directions for the doing therof, &c which was the first and fundamentall condition of all that was propounded by us upon this Overture, which was to be Precedent, and without which, nothing as unto the delivery up of the Government was to be expected from us.

Vpon

Upon conſideration of all which, and of the Oath taken by us, upon our firſt entrance into this great truſt repoſed in us, the tenour whereof doth enſue in theſe words, *viz.*

You ſhall ſwear, that you ſhall faithfully and truly to your power ſerve our Soveraign Lord the Kings Majeſtie, in the roome and authority of Lord Lieutenant, and chiefe Governour of this his Realm of *Ireland*, you ſhall maintain and defend the Lawes of God and the Chriſtian Faith, You ſhall to your power, not only keep his Maj. peace amongſt his People, but alſo maintain his Officers and Miniſters in the execution and adminiſtration of Juſtice, You ſhall defend his Maj. Caſtles, Garriſons, Dominions, People, & Subjects of this Realm, and repreſſe his Rebels and Enemies, You ſhall not conſent to the damage, and diſherizon of his Maj. his Heires nor Succeſſors neither ſhall you ſuffer the right of the Crown to be deſtroyed by any way, but ſhall let it to your power, and if you cannot let the ſame; You ſhal certifie his Maj. cleerly and expreſly thereof, You ſhall give your true and faithfull for the Kings Majeſties profit, and his Highneſſe councel? You ſhal conceal and keep, All other things for the preſervation of his Maj. Realm of *Ireland*, the peace amongſt his People, and execution of his Juſtice, according to his Maj: Lawes, Uſages and Cuſtomes of this his Highneſſe Realm, you ſhall performe, and do to your power: So God you helpe, and by the Contents of this Book.

And for that our Commiſſioners have by their Letters certified us, that they were commanded by the Committee of both houſes to forbeare the delivering unto the Scottiſh Commiſſioners the duplicate of the Letters, which we and the Councel had written to his Maj. and delivered to our Commiſſioners, advertiſing his Maj. thereby of our addreſſe to the Parliament, with direction to deliver them to the Scottiſh Commiſſioners, to be ſent to the King, untill the pleaſure of the two houſes ſhould bee made known; which reſtraint, doth as yet for any thing made known unto us, lye ſtill upon them.

And for that if we ſhould deliver up the Sword in manner as is deſired, the preſent Parl. of this *Kingdom* (which is the hope of the remaining Proteſtants here) would be at an end; for all which reaſons, we may not part with the truſt committed to our charge, in manner as by your papers is deſired, without his Majeſties expreſſe and poſitive direction, and therefore may not aſſent thereunto.

Ormond.

19. *Novemb.* 1646.

If your Lordſhip continue unſatisfied concerning the papers already delivered in, or any of them, as is implyed by the Exceptions taken thereun-

to

to, and expreſſed in your laſt paper of the 18. of *November*, we are ready to offer ſuch conſiderations to your Lordſhip by way of Anſwer thereunto, as we hope, may give your Lordſhip ſatisfaction therein; and this we deſire, may be done by conference, if your Lordſhip ſhall thinke fit, for that the ſhortneſſe of time will not give opportunity to commit it to writing.

Rob. Meredith. *Tho. Wharton.* *Rob. King.*
Jo. Clotworthy. *Ri. Salwey.*

19. *November.* 1646.

Although the Conference deſired by you in your paper of this days date was within half an hour of the expiration of the time limitted for this treaty: And although you have poſitively declared in your 3 paper of the 18. of *Novemb.* 1646. That you have no power to enlarge your ſelves, or the time beyond what you have expreſſed, yet to manifeſt to the world, how deſirous we are to receive ſatisfaction in thoſe neceſſary exceptions by us taken to your papers given in upon this Treaty, which may bring the ſame to a happy concluſion, we are ready to entertain the Conference deſired by your ſaid firſt paper of this dayes date.

ORMOND.

19. *Novemb.* 1646.

Whereas we received a large paper from your Lordſhip of the 18. of *Novemb.* wherin you declared, you could not aſſent to deliver up the ſword, render all the Garriſons, and other Commands to the pleaſure of the Parl. as was deſired by us in papers formerly given in to your Lordſhip, together with your particular Exceptions to the ſame.

And whereas, we did immediatly thereupon offer unto your Lorpſhip, ſuch further Conditions of inlargement to the former, as we were inſtructed unto for your more ample ſatisfaction in complying with the deſires of the Parliament, in order to the preſervation of the Proteſtanrs of the Kingdom of *Ireland*.

And whereas your Lordſhip ſignified to us, that it then being late, & the paper given in by us of great importance, you would return anſwer thereunto the next morning.

And whereas, wee did this morning deliver to your Lordſhip a paper, declaring, That if your Lordſhip continued unſatisfied concerning the Papers by us given in, or any of them, as was expreſſed by the Exceptions taken thereunto, we were ready to offer ſuch conſiderations to your Lordſhip, as we hoped might give ſatisfaction, which we deſired might be done by conference, for that the ſhortneſſe of time would not permit it in writing.

And

And having received another paper from your Lordship of the 19. of *Novemb.* containing your refusall to deliver up the Sword &c. upon the Conditions offered in our first and later papers, your Lordship did signifie by your second paper of the 19. That you were ready to hear, what we could further offer by way of Conference, as was desired; which was by us performed accordingly.

We do therefore now desire to know, if your Lordship do still insist upon your refusall, on the grounds expressed in your papers. And if so, we make known to your Lordship, that we shall for our own exoneration, commit to writing the summe of what we delivered in Conference and give your Lordship a copy thereof; to the end, the uprightnesse of our proceedings in the transaction of this Treaty with your Lordship may in all things appear, although that happy successe, which we desired, be not attained thereby,

Rob. Meredith. *Tho. Wharton.* *Rob. King.*
Jo. Clotworthy. *Ri. Salwey.*

Novemb. 16. 1646.

Forasmuch as, what was delivered upon the Conference, cannot be made use of by us, as binding unto you, unlesse it be reduced to writing and signed by you, which when you shall have reduced the same to writing, and given us a Copy thereof, signed by you; We shall then declare unto you, whether or no, we will rest satisfied therewith, or shall upon the whole matter insist upon our refusall.

Ormond.

Dublin 20. *Novemb.* 1647.

Whereas upon Thursday morning the 14. of *Novemb.* in our Conference with your Lordship, wee did endeavour to offer such considerations, as might give satisfaction to your Exceptions taken by our papers given in; And whereas, we did at the same time also desire to know, whether or no your Lordship had received satisfaction to all, or any of your said Exceptions, or whether you would still insist upon your refusall, whereupon your Lordship by your third Paper of the 19. of *Novemb.* returned answer, That what was delivered upon the Conference cannot be made use of by your Lordship, as binding unto us; unlesse it be reduced to writing, and signed by us, and that when we shall have reduced the same to writing, and given you a copy thereof signed by us, your Lordship will then declare unto us, whether or

so; you will rest satisfied therewith, or shall upon the whole matter insist upon your refusall. Wee have therefore accordingly exprest in writing the summe of what was delivered in Conference, which wee offer to your Lordship, as followeth.

Your Lordships first Exception is.

Except. 1. *That none of the Propositions (of the first Way of Overture) which were transmitted by your Lordship to the Parliament are assented unto.*

To which we answer.

Answ. 1. That an Ordinance of Parliament of the 15. of *October*, 1646. Containing the Declaration of both Houses to proceed upon the second way of Overture made by your Lordship, was by us delivered to your Lordship.

2 That Declaration was made by the Parliament, before such time as Sir *Francis Willoughby* returned from *London*, from whom your Lordship might be informed thereof.

3 Your Lordship presuming (before your Commissioners came from *London*) that the Parl. might not accept of those Propositions, did by Additionall Instructions, declare, you would not insist thereupon, and accordingly gave them liberty to recede from the same, and to proponnd a second way of Overture, which the Parliament did proceed upon and appointed a way of Treating with you; of which, your Commissioners did advertise your Lordship by Direction of the Committee of Parliament, appointed to consider of the said Propositions. And

4 If your Lordship observe, how far that second way of Overture is accepted and granted by the Parliament in the Proposition by us given in; you may happily find, not onely full and positive satisfaction to the most of what your Lordship asked, but in some particulars also, more ample offers made, then was by your Lordship desired therein; which when the world shall consider, together with the grounds and principles held forth by your Lordship (inviting the Dispatch of Supplies to this Place) we are confident, the Parliament will be abundantly justified therein: yet over and above all this, we continue to declare that in every particular we will go to the utmost limits of our Instructions, and where any thing seemes doubtfull to your Lordship, or too short; we shall (if the Treatie succeed) represent it to those that employ us, in the best manner we can for your Lordships full satisfaction.

And

And this wee desire may be applyed to every Exception taken by your Lordship.

Except. 2. *That we have no power to secure any of his Majesties Romane Catholike Subjects in their persons and estates, who have constantly adhered to the Government here since the 22. of October, 1641. Of whom you conceive, care ought to be had in the present Treaty.*

Answ. 1, Those that by Authority of Parliament gave power to us to treat, did not, for ought we can perceive, take cognizance of any of the Romane Catholikes of *Ireland*, that did adhere to the Government of this Kingdome against the Irish Rebels.

2 If any such be, it's probable the number is not considerable; and if they have done nothing against the Parliament, they need not any speciall security, but may expect as much as others, that have in like manner demeaned themselves, although they be of the Protestant Religion.

3 Power is given (as by an Instruction delivered in the 16. of *Nov.* is expresst) to protect such as will come under Contribution, and to give them safeguard by the countenance of the Forces serving under the Parliament; According to which, they are to be protected in their persons and estates, as well from the violence of the souldiers under the Parliament, as of the Enemy; And this to be extended unto all, without distinction of Offence, or Religion.

4 If any thing more can be reasonably offered, in the behalfe of such Papists as have adhered to the present Goverment, and not beene in the Irish Rebellion; it shall be also recommended back by us to those that imployed us, in the best manner we can for your Lordships satisfaction.

Except. 3. *That no assurance is given, that the Judges and Ministers of the Civill and Martiall List shall be continued in their places and employments, &c.*

Answ. 1. Nothing is given us in charge, nor hath any thing been expressed by us concerning the removall of the Judges, and Ministers of the Civill List, nor any of them.

2 In cases of like nature, it hath not been known, that persons so qualified, have been continued and established by Treaty, nor was it

our knowledge) ever heretofore insisted on by any whomsoever.

3. If it must be presumed that they have offended the Parliament, yet assurance is given (and otherwise they can need none) for security to their persones, with injoyment of there goods and estates in the Kingdom of Ireland, as if they had not offended, and have liberty to compound for their Estates, as any of them have in England, and such Composition not to exceed two years value.

Concerning the Officers of the Martiall List.

We answer.

Answ. 1. We have expressed, That we will continue and imploy all such Officers, whomesoever as shall be found fit for the Service: And as we have not hitherto taken up a resolution (if the Treaty should succeed) to displace any, so we doe declare, that it must be an extraordinary cause that should induce us to it, and we understand the words of our Instruction (*viz.* You are to imploy such of the Officers, &c.) doth so direct us, and therefore connot give, as your Lordship expresseth, more occasion of feare unto the Officers of being displaced, then hope of continuance in their respective imployments.

2. As we beleeve, no president can be show; so it is obvious, the inconvenience would be very great, to article for, and establish by Treaty, any Officers of the Military List, though our resolution be to continue the same.

3. The same assurance and benefit, as is declared in our third answer to your Lordships objections concerning the Civill List, is also to be extended in like manner to the Officers of the Martiall List, according to our Instructions.

In which also, the Clergie of this Kingdome mentioned by your Lordship, may respectively receive advantage, concerning whom we are not instructed: Yet.

We desire it may be remembred, that power is given us to agree for Pensions, to such as we shall thinke fit, to the value of two thousand pounds *per annum*, which we are ready to assertain unto such of the Civill and Martiall List, as also of the distressed Clergy, as shal be thought meet to extend it to, in such way as may give best satisfaction, according to our Instruction.

Excep. 4. *That great inconveniency may happen to all the Protestants of Ireland, who are to be included in this Treaty, if they should thereby conclude themselves to submit to all the Ordinances of Parliament.*

Answ.

Answ. 1. We have declared, &c. That their submitting to all Ordinances of Parliament, is to be understood no otherwise then as all others doe, who have alwayes adhered to, and never offended the Parliament.

2. We know of no Ordinance of Parliament, that requires the Covenant to be taken in the Kingdome of Ireland.

3. We are no wayes instructed to suppresse the Book of Common Prayer, or impose the Directory, though your Lornships represented in your own Instructions, that the Directory might be used here.

4. It may also be considered, That your Lordship made Overture of submitting to the Direction of both Houses of Parliament, (and that exclusively to any one whatsoever) as to the ordering and disposing of the Army, &c. If they should accept of your Overture, which could not be understood otherwise to be done, but by Ordinances of Parliament, as to them from time to time should seeme meet.

Exception 5. *Lastly, That the Kings direction for the Delivery up of the Government is not obteined, and that your Commissioners were commanded to forbeare the delivering unto the Scotch Commissioner, the duplicate of the Letters which your Lordship and the Counsell had written to His Majesty concerning the same.*

Answ. 1. Wee are very confident, what the Committee of both houses did therein, was by direction of the Parliament.

2. Your Commissioners did declare, that if supplyes were not instantly dispatched, you would take it for granted none would bee sent, and therefore must by necessitated to think of some other course for your Preservation, as by the Lawes of God and Nature became you, and therefore it could not be imagined (the necessity being so great, under which your Lordship then was, according to the representation thereof made to the Parliament) that you would refuse such Supplies from the Parliament, in manner as they directed till your Letter should be from thence sent to Newcastle, and an answer thereof returned to your Lordship, which would not undoubtedly

doubtedly have taken up much more time, then the extremity of your Condition here, according to the foresaid representation, could possibly admit of; And information was given that, an addresse to the King was also made by your Lordship another way, and we have not yet understood by your Lordship that he hath inhibited you to proceed and conclude with us.

But more especially we desire it may be considered by your Lordship that in your letter to the King (mentioned in your exceptions) your Lordships expressions are full, to proceed with the Parliament upon the overture made to them in the Propositions, not onely without desiring answer, but without expecting consent or direction from his Majesty before such time as you would conclude the same, and your Lordship doth onely give an accompt of your Resolutions, his Majesty unconsulted with, as already fix't with expectation onely of a benigne construction from his Majesty thereupon; And that not onely from the consideration of necessity, but (as we conceive of your Lordships duty also, as the case then stood, (no lesse then a Kingdome lying at the Stake) to make your application in such manner to the Parliament.

3. May it not also be considered, what reason the Parliament had to conceive your Lordship intended, not so to insist on the Kings direction as without it you would not conclude, when they observed that by those Propositions from your Lordship, a Copy whereof you have delivered us, you offered (if they should accept thereof) to put your present Army and Forces, called by your Lordship his Majesties Army, (Notwithstanding any interest you apprehended the King had therein) under the sole direction of both Houses of Parliament. And yet in those Propositions we finde no mention made of consent or direction to be first had from the King, which was believed your Lordship then, as at this time also, might the better do, for that by act of Parliament, the managing of the War of Ireland is established in both Houses of Parliament alone.

4. It may be considered, that however many cases of this

nature

nature in the late troubles in England have happened, where Persons under great obligations to the King, have frequently surrendred to the Parliament, Garisons and Forces, which they received by command from his Majesty, as in particular that of Oxford (where remained not onely the Duke of Yorke and his Majesties Councell, but also the Sword, the great and lesser Seales with other Ensignes of the Regall Power, (and all these) without first having any explicite direction from the King to deliver up the same.

5. When we also consider how passionately it was represented to the Parliament by your Lordship, of how great importance the City and Castle of Dublin (together with the Garisons under your Command) were in order to the recovery of the Kingdome of Ireland, the preservation of the Protestant Religion, together with all the Protestants therein, as also how undoubtedly all must miscarry, if Supplies did not timely come; We cannot but wonder that in case of so high concernment, and so great necessity (the spilling of the blood of so many thousand Protestants being unavoidable) according to the grounds and representations offered by your Lordship to the Parliament, the danger whereof remaines the same, for ought hath occurred to us, granted also by the losse of many Garisons since, and will be perfected by your rejecting the Supplies (with so much expedition and Charge sent hither by the Parliament) that yet the Kings consent should be so insisted on, as that neither the preservation of the said Protestant Religion, nor the blood of thousands of Protestants, nor any of the fore-mentioned Considerations should purchase a Dispensation therein.

6. And whereas your Lordships Oath is objected, It appeares to us to be penn'd with speciall caution and relation to such a time of necessity as this; and is rather (as we conceive) fulfilled by consent to, then refusall of the conditions offered to your Lordship, unto which also, we believe that respect was had, when those Resolutions were taken up expressed in the fore-mentioned Letter to the King.

Wee hold it our Duty to deale thus cleerly and freely with your Lordship; that (if it were possible) we might give satisfaction

faction thereby, However our consciences doe acquit us, that we have done our utmost therein, and doe conceive that those that imployed us, will be abundantly acquitted in the sight of God and Man, as having done what could be expected from them, and unto whom (for any neglect in this affaire) the guilt of Blood we are confident shall not be imputed in that day wherein inquisition shall be made for the same.

Rob. Meredith. *Tho. Wharton.* *Rob. King.*
Io. Clotworthy. *Ricn. Salwey.*

November 1646.

WE have considered the paper wherein you expressed the summe of what was delivered by you in the Conference with us; to which we make return.

Our first exception was, Not that none of the Propositions of the first way of Overture, which were transmitted by us to the Parliament, are assented unto, as in that paper is expressed, but that none of the Propositions which were transmitted, whether you look to the first way of Overture (as you are pleased to cearm it) or the second way of Overure, are assented vnto. And to the end that this may be the better understood, we hold it necessary to declare, that some of the Propositions which were transmitted by us from hence, were signed by us a part, wherein we did undertake the prosecution of the Warre, as vigorously against the Rebels, as wee should bee thereunto enabled by the Parliament; which Propositions are expressed at large in our second paper of *November* 18. 1646. and these seem onely to have relation to Our selfe.

There were other Propositions signed by Us and the Councell, wherein not only Our selfe, but all others of this Kingdome, as well of the Souldiery, as others of his Majesties Protestant subjects of this Kingdome, and their adherents are respectively concerned, the said Propositions importing no lesse then the preservation of them in their persons, estates, and imployments.

And

And there were Instructions signed by us, and delivered to our Commissioners, authorizing them, that if they did finde the Parl. willing and ready to take into their care and protection his Maj. subjects, within the quarters now under our Command, and those that have adhered to them since the 22 of October 1641. according to the purport of the Instructions signed by us and the Councel, and that our continuance in the Government should be the only let thereunto, that then our said Commissioners should let them know, that we would surrender our place of Lieutenant, and deliver up all the Holds in our power, to such as the Parl. should appoint upon certain conditions, whereof the first and principall is, that they should procure his Maj. directions for our so doing which offer made by us, is in the Ordinance of parl. delivered by you to us, and by you in your paper of the 19. of Novem. 1646. called our second way of Overture whereupon you say the parl. did proceed, which you say, Sir Francis Willoughby upon his return from *London* might have informed us: That sir F. Willoughby might have told us we know not; wee are sure he did never tel us of the resolution said by you to bee taken by the Parl. for proceeding in that you call, the second way of Overture, nor did hee bring with him (for ought known to vs) any copy of the Order of the 15 of Octob. declaring, that Resolution, nor was it mentioned by our Commissioners in any of their Letters, though we received severall, as wel by the said Sir Fran. Willoughby, as by others of dates subsequent to the said Order.

But on the contrary, Sir Gerrard Lowther, and Sir Paul Davies, did by their Letter of the 6. of Novemb. after sir Fr. Willoughbies departure from *London*, certifie us, that Sir Robert King and the rest were sent hither to treat with us (as they heard) for surrendring *Dublin*, and other places under Comand, to which they were not called, but were altogether strangers to their transactions there concerning that Treaty, and that they did not know any thing of their commission, authority, or instructions, or how far they extended.

But though the Parl. did lay hold of this called our second

way of Overture, yet the propositions which were signed by us and the Councel, wherein all his Maj. Protestant Subjects of this Kingdom as well of the Souldiery as others, & such as have adhered unto them, were alike concerned with us, were not to be passed over, for whether we did continue in the Government according to the first way of Overture, or part with it (termed by you the second way of Overture, it was our main care and desire, that they should be secured in their persons, estates, and employments, which is not yet done to our satisfaction.

And in that which concerneth our selfe, the principal thing which in his Maj. direction and allowance for the rendring up of the Government, which was to precede and warrant all that we did propound to be done by us herein, is yet wanting, which we desire you to represent to those who imployed you in the best manner you may.

Exception 2.

Our second Exception is, that you have no power to secure any of his Maj. Romane Catholique Subiects in their persons and estates, who have constantly adhered to the Government here, since the 22. of Octob. 1641. of whom wee conceive care ought to be had in this present Treaty. To this you give these Answers.

First, that those who by authority of Parl. gave power to you to treat, did not take cognizance of any of the Romane Catholiques in Ireland, that did adhere to the Government of this Kingdom against the Irish Rebels; which answer doth not satisfie us, but doth enforce the Exception, for their not taking cognizance of them, is the ground and cause of the Exception.

Your second answer is, That (if any such be) it is probable the number is not considerable; And if they have done nothing against the Parl. they need not any speciall security, but may expect as much as others, that have in like manner demeaned themselves, although they be of the Protestant

Religion

Religion, which anſwer doth not ſatisfie, but giveth us more cauſe to inſiſt upon the exception, becauſe you ſay, it is probable that the number of them is not conſiderable, whereas we who have been upon the place know it to be otherwiſe both in number & quality of perſons.

And ſince his Maj. Proteſtant Subiects, who have ſerved againſt the Rebels here, and done nothing againſt the Parl. are offered to be ſecured in their perſons and eſtates, they may by the ſame rule of Juſtice expect the like aſſurance, & the greater regard ought to be of them, for that their Religion being made the pretence of the Rebellion, they do notwithſtanding adhere to his Maj. proteſtant Subiects againſt the Rebels, who are of that Religion.

Your third anſwer, *viz.* Power is given (as by an inſtruction delivered in the 16. of Novemb. is expreſt) to protect ſuch as will come under contribution, & to give them ſafeguard by the countenance of the Forces ſerving under the Parl. according to which they are to be protected in their perſons and eſtates, as well from the violence of the ſoldiers under the Parliament, as of the Enemy, and this to be extended unto all, without diſtinction of Offence or Religion; which Anſwer doth not ſatisfie us, for the ſaid inſtruction looketh rather to the Rebels who are to be brought under contribution, then to thoſe who have continued good Subiects, and therein there is no aſſurance given unto them for their eſtate, as is in the ſame inſtruction to his Majeſties Proteſtant Subjects for their Eſtates.

Your fourth anſwer is, If any thing can be reaſonably offered in the behalfe of ſuch Papiſts, as have adhered to the preſent Government, and not been in the Iriſh Rebellion, it ſhall be alſo recommended back by you to thoſe, who imployed you, in the beſt manner you can to our ſatisfaction; The latter part of which anſwer, being the beſt part thereof, we deſire may be purſued, for the firſt part thereof doth inforce the Exception, it being made a doubt whether any thing can be reaſonably offered for ſuch Papiſts as have adhered to the preſent Government, and not been in the Iriſh

Rebellion, whereas nothing in reason can be offered against such, but that they should be secured in their persons and estates.

Our third Exception is, That no assurance is given, that the Judges and Ministers of the Civill and Martiall List, shall be continued in their places and imployments, which is answered by you, as followeth:

First, nothing is given us in charge, nor hath any thing been expressed by us concerning the removall of the Judges and Ministers of the Civill List, nor of any of them, which answer doth not satisfie us: for we desire by our Proposition, to have an assurance for the continuing them in their respective imployments, which is not yet assented unto.

Your second answer is, That in cases of like nature, it hath not been known, that persons so qualified have been continued and established by Treaty, nor was it to your knowledge, ever heretofore insisted upon by any whomsoever; which answer doth not satisfie us, for though you might shew that the contrary hath been done in like cases (as we believe you cannot) yet, even for that cause, we have the more reason to insist upon it.

Your third answer is, If it must be presumed, that they have offended the Parliament, yet assurance is given (and otherwise they can need none) for security to their persons, with enjoyment of their goods and estates in the Kingdome of Ireland, as if they had not offended, and have liberty to compound for the estates any of them have in England, and such Composition not to exceed two yeares value: We are not satisfied with this your answer, for there is nothing here to assure them the continuance in their imployments, and our Proposition made in their behalfe for their continuance in their imployments, cannot presume cannot presume a guilt; and it is no reason to say, that if they be not guilty, they need desire this assurance, for the Judges doe well understand, that abundans cautela non nocet, and if it must be presumed that they have offended the Parliament, there

there is the more reason to insist on the Proposition for the continuing of them in their respective imployments, they having been dispoyled of all their estates.

To your expression whereby you would satisfie us concerning the continuing in imployment the Officers now under our Command, viz. That as you have not yet taken up a resolution (if the Treaty should succeed) to displace any: so you declare, it must be an extraordinary cause that must induce you to it, wee easily beleeve, that as it is too early for you to declare a resolution to turne them out of their imployments, (though such a resolution were taken up by you) till you possest of the power to do it; so you may judge such a declaration, not to be the readiest way, to attaine to that power by Treaty from us, which We are confident, is the only way whereby you will at this time attempt it, but when by that meanes you should be invested in that Power, the question is, whether you would not then understand that the Concurrence of some of the Martiall List with us in the conclusion of the Cessations and peace here, the actuall Service of some others in His Majesties Armies in England, and the obedience given by all to some Commands, that may have been displeasing to the two Houses of Parliament in England, to be extraordinary and sufficient causes for their removall, wherein if you shall declare negatively, wee shall rest satisfied as to that particular, nor could our Demand of having them secured in their respective imployments, be understood to reach to a forgiveneese of such Crimes in future as may merit displacing; for which we confesse, we can no more alleadge a president, then we beleeve you can, that ever the sword was demanded to be delivered by the Chiefe Governour of this Kingdome, to Commissioners of the Parliament of England, without the Command of the King.

Exception

Exception 4.

Our fourth exception being as followeth, viz. That great inconvenience may happen to all the Protestants of Ireland, who are to be included in this treaty, if they should thereby conclude themselves to submit to all Ordinances of Parliament, is answered by you as followeth;

Answer 1.

Your first Answer is, we have declared, that their submitting to all Ordinances of Parliament is to bee understood, no otherwise then as all others doe, who have alwayes adhered to, and never offended the Parliament; with which answer we are not satisfied, it being no more, then that we are to submit to all the Ordinances of Parliament; to which, those who are of the Parliament party submit, as the Covenant, the Directory, the abolishing of the Booke of Common-prayer, &c.

Answer 2.

Your second answer is, we know of no Ordinance of Parliament that requireth the Covenant to be taken in the Kingdome of Ireland, with which answer wee are not satisfied, for we know that it hath been presst in all parts of the Kingdome, where the Parliament hath prevailed, as in the Provinces of Munster, Vlster, and Connaught, there being some Ministers not long since employed into Vlster, who went from Town to Town, and from City to City, pressing the Covenant, where-

whereupon many Protestants did acquit their Commands and habitations in those parts, rather then they would subject themselves to it, and if the same was done without an Ordinance of Parliament, we have the more reason to insist, that his Majesties Subjects may be secured against so violent and unwaranted pressures upon their Consciences.

And if you know no Ordinances of Parliament which requireth the Covenant to be taken in the Kingdome of Ireland, you may the better undertake that it shall not be pressed; and if you bee not instructed to suppresse the Book of Common prayer, or impose the Directory, you may the better condescend to what is desired concerning both, so far as is expressed in our instructions.

Answer 4.

Your fourth answer is, It may also be considered, that your Lordship made Overture of submitting to the Direction of both houses of Parliament (and that exclusively to any other whatsoever) as to the ordering and disposing of the Army, &c. if they should accept of your Overture, which could not be understood otherwise to be done, but by Ordinances of Parl. as to them from time to time should seeme meet.

We are not satisfied with this your Answer, the strength of your reason being thus;

That we did submit to the direction of both Houses of Parliament for the ordering of the Army, &c. therefore no inconvenience can happen to the Protestants in Ireland, who are to be included in this Treaty, if they should thereby conclude themselves to submit

mit to all Ordinances of the Parliament of England, which sure is no good Consequence, from one parricular to conclude a generall; And if you would declare that by submitting to all Ordinances of Parliament, were onely intended such Ordinances as concerne the ordering and disposing of the Army, though that offer of Ours was in case that way of accommodation, which is waved by the Parliament, were laid hold of (of any thing wherein we therefore conceive no use should be made in this Treaty, since that way laid aside) yet such a declaration would, as that point give satisfaction

The fifth exception is, That the Kings Direction for the delivery up of the Government is not obtained and that our Commissioners were commanded to forbeare the delivering unto the Scottish Commissioners, the Duplicate of the Letters, which Wee and the Councell had written to his Majesty concerning the same; To which you make these Answers, viz.

That our Commissioners did declare, That if Supplies were not instantly dispatched, that We would take it for granted, that none would be sent, which was the ground of hastning the said Supplies, whereas the words of our Instructions were, That if within a reasonable time after landing of our Commissioners, they did not advertise us, that those things we desired were on the way hither, or at least a considerable proportion of Money and Munition, and probable hope of the rest speedily after, that then wee would take it for granted, not that no Supplies would come, but that our Propositions were rejected here, which strongly implyed, and so was intended, that if we understood Supplies were on the way, we might

then

then take it for granted, our propositions were accepted, which also we had cause to believe, for that our Commissioners by command of the Committee, before whom they were heard, signifyed to us, their message was cheerfully accepted, whereof the sending of Supplies was but a part; nor can it be reasonably objected to us, that we refuse those Supplies, since none of the Conditions wherein we expressed our willingnes to receive them, is offered to us in manner as was desired, especially that fundamentall one, of procuring the Kings Command for delivering up the Sword, and Garrisons, which being the way fixed on by the Parliament, we much wonder, was not endeavoured (as well it might have been, and an answer had) before you came from London, and if it had been obtained, there had been no need of sending it to us till your arrivall, and if it had been refused, the Parliament in their great wisdome and knowledge of the duty of one so highly trusted, would have found some other expedient to extend their assistance and protection to the Protestants, other then such as must blemish our honour and fidelity to all Posterity, nor is it a sufficient discharge to us, that his Majesty hath not inhibited us to proceed and conclude with you, his expresse command, being in this case absolutely necessary. And as for the suppositions and inferences, which you make out of the Letters writ by us to his Majey, and both houses of Parliament; as that it could not be imagined, the necessities being so great, under which we then were, that we would refuse such supplies from the Parliament in manner as they directed, till our letter should be from hence sent to Newcastle, and answer thereof returned to us: And that the Parliament had no reason to conceive, that we intended so to insist on the Kings direction, as without it we would not conclude, &c. As also considering how passionately we represented to the Parliament, the importance of the City and Castle of Dublin, &c. and how undoubtedly all must miscarry, if Supplies did not speedily come, that yet the Kings consent should be so insisted upon, as none of the forementioned considerations should purchase a dispensation therein: And to induce us thereunto, you propose unto us examples of the delivering up of other Garrisons and Forces in England, as in particular, that of *Oxford*, &c. without having any explicite direction from the King to deliver up the same. We conceive the case of *Oxford* to be different from this; For Sir *Thomas Fairfax*, to whom the City of *Oxford* was rendred, (after some time of formall Siege, and the shedding of blood on both sides) was not invited

thither by those within to defend and relieve it against the expected attempts of another enemy; as those Forces now here with you were (upon certain Conditions) by us, but his comming before *Oxford* was unsent for, openly and declaredly to take by force of Armes that City: In the case of *Oxford* also, we have seen his Majesties Command, directed to the Governour for the rendring thereof, which if you can produce to us for the giving up of these Garrisons, with the Ensignes of Royalty belonging to the Crown of this Kingdome, we will in like sort readily obey the same, notwithstanding some other disparity in the cases. And if the instructions we gave our Commissioners be looked into, Copies whereof were delivered by them to the Committee of both houses, all these suspitions, inferences, and Arguments will vanish, it being a certain and true rule, that no inference nor application is to be made contrary to that which is expresst, as our instructions were in this particular; for our first and principall instruction was, That we would surrender our place of Lievtenant, &c. to such as the Parliament should appoint, upon these following conditions.

First, that they procure his Majesties direction for the doing thereof, &c. But further to cleere it, in our seventh and last instruction delivered unto our Commissioners, whereof the said Committee had likewise a Coppy, it is further given in charge unto them in this manner: viz. If in the mean time whilest they take these Propositions and the rest into their considerations, and till they have procured his Majesties direction as aforesaid, the Parliament be pleased to send over such Supplyes, as may relieve the Garrisons from ruine, through want, or by the hoftile attempts of the Rebels, the same shall be well husbanded for them, and imployed only to those ends, both which instructions leave no place for inference or implication to be made contrary to expresse instructions. If the Parliament hath procured his Majesties direction, the condition is performed, but if that be not done, the Forces notwithstanding may be received and imployed in the present service, and so all those inconveniencies may be prevented, which are feared: But if nothing that we can do can give satisfaction, but to deliver up the Sword, render all the Garrisons, and other Commands to the pleasure of the Parliament, which we are bound by Oath to preserve and keep for His Majesty, before we do receive His direction therein, We doubt not but we shall be acquit herein, before God and men, if we insist upon the refusall of that which we cannot do without the violation of our Oath to God and the King.

To

To ſumme up in briefe thoſe particulars wherein we are not ſatisfyed by any of your Papers, nor by any thing which was delivered in the Conference.

Firſt, you have ſhewed us no direction from his Majeſty to deliver the Sword, &c. which you ſay you have not procured.

Secondly, you have not offered aſſurance to the Papiſts of this Kingdome, who have adhered to his Majeſties government ſince the 22. of *October* 1641. for their eſtates, which is confeſſed by you.

Thirdly, you have not undertaken, that the Covenant ſhall not be preſſed, nor that the Book of Common-prayer ſhall not be ſuppreſſed.

Fourthly, you have given no aſſurance either for the continuance of the Judges and Officers of the Civill Liſt, or the Officers of the Martiall in their reſpective imployments, or the Cleargy in their reſpective Rights, and incumbencies.

Fiftly, you have given us no ſatisfaction in that great and main Objection touching the preſent Parliament, which would be diſſolved, if that we ſhould deliver the Sword in manner as is deſired, The Papers do cleere none of theſe particulars, and nothing was delivered poſitively in the Conference which doth any wayes enlarge the former Papers. We know that in matters of ſo high and great concernment, you will go to the utmoſt Limits of your inſtructions, and that in theſe things which ſeem doubtfull to us, you will (if any expedient can be found for the continuing the Treaty) repreſent them to thoſe who employed you, in the beſt manner you can, for Our ſatisfaction; according to the promiſe made by you in your laſt Paper, for which we doe returne you thankes in the behalfe of all His Majeſties Proteſtant Subjects, and thoſe who have faithfully adhered to them. And for that full ſatisfaction cannot be given to us without your further Application to the Parliament, for enlarging your powers. We being reſolved to leave no meanes unattempted, that may conduce to the preſervation of his Majeſties Proteſtant Subjects in this Kingdome, and the Rights of the Crowne of England, and to the end the Forces brought hither by you, may be employed to thoſe good ends, whileſt His Majeſties pleaſure by us, and that of the Parliament by you is ſought, do offer theſe following Propoſitions.

Firſt, that the Officers and Souldiers, ſent hither by the Parlia-

ment of England be put into one, or more convenient Garrisons, and be commanded by their Respective Officers, who are to receive Orders from *Us* and the Governours of the places where they shall be Garison'd, and to be subject to the Lawes Martiall now in force in this Kingdome.

Secondly, We desire, towards the keeping of the Army now under our Command for six weekes three thousand pounds, whereof two parts in money, and a third part in victualls.

Thirdly, That there be an ingagement from you to us on the behalfe of the Parliament, that the Officers and Souldiers which are to be Garrisoned, as in the first Proposition is mentioned, shall do no Act prejudiciall to the present Government here; And that in case we shall not at or before the expiration of the said six weeks agree, that they shall remove from those places out of our quarters, at such time as we shall direct.

Fourthly, We shall engage Our selfe unto you, that the said Officers and Souldiers, shall quietly and peaceably be permitted by Us to remove with their Armes, Provisions and other things belonging unto them to Shipboard, or to such other places out of Our quarters, as you Sir *Robert Meredith*, Sir *Thomas Wharton*, Sir *Robert King*, and Sir *John Clotworthy*, Knights, and *Richard Salwey* Esquire, or any three of you shall direct: And to these Our Propositions We desire your speedy Answer.

ORMONDE.

Dublin. 22. Novemb. 1646.

HAving received your Lordships papers of the 21. of November, and in them your returne to what was first delivered in conference, and afterwards for your Lordships satisfaction put in writing, and signed by us.

And whereas in those papers, your Lordship desires a coppy of the Instruction, whereby power is given us to agree for Pensions to the value of two thousand pounds *per annum*. We have thought fit (that nothing may be wanting on our parts) herewith to deliver you a Coppy of the said Instruction.

And however upon perusall of your Lordships paper of the 21. of November, we find little cause to believe, satisfaction will be received by your Lordship, as hath been endeavoured to be given by Us. Yet forasmuch as your third paper of the 19. of November did expresse, that when you should receive in writing signed by us, what was delivered in Conference to your Lordship, you would then declare

elare unto us, whether or no you would rest satisfied therewith, or upon the whole matter insist upon your refusall, we desire your Lordship speedily to give us your positive answer accordingly.

And withall, we hold it fit to declare, that as we conceive the grounds of satisfaction offered by us, doe remaine unanswered by you: Lordship, and particularly touching the Kings consent and direction (which you call maine and fundamentall) we having made it appeare that your Lordships Overture to the Parliament, was, to put all your Forces and Garrisons under their sole Command (the King unconsulted with at all therein) so we no wayes thinke fit (though our Instructions should therein authorize us) to accept of the Propositions mentioned in the latter end of your papers, as an expedient to continue any longer.

If yet your Lordship continue to refuse what we have offered, we can onely give account thereof to those that imployed us, and must leave it to the world to judge, whether those Exceptions, taken and insisted on by your Lordship, be consonant to those grounds and principles held forth in your Overture made to the Parliament, by which they were induced to send Succours hither, or whether all the particulars (so farre insisted on by your Lordship, that it appeares not to us, you will recede from any one thereof) be of equall concernment to that hazard, yea (according to your Lordships owne representation) that Certainty of losse, not of a Kingdome only, but of Thousands of Protestants, and together with them, the Protestant Religion also.

All which, by the great care and pious endeavours of the Parliament of England, might have been (through the blessing of God) prevented, if what we have offered (and doe yet offer) in their names be not by your Lordship refuted.

Rob. Meredith. *Tho. Wharton.* *Rob. King.*
Io. Clotworthy. *R. Salwey.*

A Copie of the Instruction mentioned in the former Paper.

You, or any Three of you, have also hereby power given you to agree for such allowances to be paid to others by constant Pension, during the Warre of Ireland, (for the better and more firme carrying on of this Worke) as shall not exceed in the whole, the summe of Two Thousand Pounds per annum, *to all other persons, beside the*

Two Thousand pounds per annum, *to the Lord of Ormonde: And those pensions to continue till they can receive the like benefit by their owne Estates.*

Signed as the rest of the Instructions.

Vera Copia Ex. *W. Rowe.*

22. *Novemb.* 1646.

WHereas by your paper of the 22. of Nov. 1646. You affirme that you made it appeare that our Overture to the Parliament was to put our Forces & Garrisons under their sole Command the King not consulted withal therin, we doe positively affirme, that you neither have nor can make it appear, that we made Overture to the Parliament, to put all our Forces and Garrisons under their sole Command, the King unconsulted; for whatsoever hath been offered by us unto the Parliament by our Propositions and Instructions, We are constant thereunto, and still ready to performe.

ORMONDE.

22. *Novemb.* 1646.

HAving received your Lordships paper of the 22. of November (which we conceive needs no reply) we desire to know whether your Lordships will returne any further answer to our first paper of this dayes date.

Rob. Meredith. *Tho. Wharton.* *Rob. King.*
Io. Clotworthy *Rich. Salwey.*

22. *November* 1646.

WEE may not returne other Answer, then Wee have done in Our former papers, untill Wee have Consulted His Majesty, and received His Direction therein.

ORMONDE.

22. *Novemb.* 1646.

WE having heard nothing from you since We sent Our last paper, We desire to know whether We shall understand this Treaty to be at an end for the present, that if neither Our Propositions sent by Us to the Parliament of England, nor the Propositions Wee sent unto you for the stay of your men, be assented unto, in manner as is Propounded, We may consider what further course

to

to take for the preſervation of His Majeſties Subjects and the Rights of the Crowne.

ORMONDE.

22. *Novemb.* 1646.

IN Anſwer to your Lordſhips paper of the 23. of November Wee returne; That Wee continue aſſured there is no other way according to the repreſentation made by your Lordſhip to the Parliament, of preſerving the Proteſtants of the Kingdome of Ireland, nor of the Rights thereof relating to the Kingdome of England, but by accepting the the Overtures made by us to your Lordſhip according to Our Papers delivered in; Your Lordſhip inſiſting upon a poſitive refuſall thereof, we underſtand the Treaty to be at an end; And as for the offers lately made by your Lordſhip to us, we refer our ſelves to our Anſwer already given thereunto, and can in no wiſe accept of the ſame.

Rob. Meredith. *Tho. Wharton.* *Rob. King.*
Jo. Clotworthy. *Rich. Salwey.*

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